

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

A.M. PEELER RANCH, LLC,  
Plaintiff

v.

SAN MIGUEL ELECTRIC  
COOPERATIVE, INC.,  
Defendant.

Civil Action No. 1:21-CV-00211

**PLAINTIFF'S ORIGINAL COMPLAINT**

**NATURE OF THE ACTION**

1. Plaintiff A.M. Peeler Ranch, LLC brings this suit against the San Miguel Electric Cooperative, Inc., the current owner and operator of the San Miguel Power Plant (“Plant”) and the San Miguel Lignite Mine (“Mine”), for the pollution of significant portions of the Peeler Ranch and surrounding area in Atascosa County, Texas, caused by SMECI’s handling, storage, treatment, and disposal of coal combustion residuals (CCR, commonly known as “coal ash”) and wastewater and other solid wastes.

2. A.M. Peeler Ranch seeks a declaration that SMECI has violated the Resource Conservation and Recovery Act (“RCRA”).

3. Pursuant to the citizen suit provision of the RCRA, A.M. Peeler Ranch seeks an order restraining SMECI from continued operation of its landfill and leaking surface impoundments at the Plant, disposal of coal ash and other solid waste on or adjacent to the Peeler Ranch, and unlawful discharges of wastewater to the surface water, groundwater, or soil on the Peeler Ranch or the surrounding areas.

4. A.M. Peeler Ranch also seeks a mandatory injunction requiring cleanup and restoration of the Peeler Ranch and adjacent properties that results, at a minimum, in the clean closure of the landfill and leaking surface impoundments on the Plant site, removal of coal ash and other solid waste disposed by SMECI and its contractors within and adjacent to the Peeler Ranch, elimination of any detectable impact to surface or groundwater, and the Peeler Ranch returned to its condition before installation of the Plant and the Mine, including comparable soils and vegetation.

**JURISDICTION AND VENUE**

5. This Court has federal question jurisdiction over these claims, *see* 28 U.S.C. § 1331, because they arise under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901-6992.

6. The RCRA authorizes persons to bring suit in federal district court against any person alleged to have violated the statute. 42 U.S.C. § 6972(a)(1)(A)-(B).

7. A.M. Peeler Ranch satisfied RCRA's pre-suit notice provisions by serving SMECI with two separate notices (attached as **Exhibit 1**), describing each of the alleged violations and the A.M. Peeler Ranch's intent to sue if such violations were not remedied. A.M. Peeler Ranch served the RCRA notice on SMECI more than 90 days prior to filing this complaint.

8. Neither the State of Texas nor the United States Environmental Protection Agency ("EPA") has commenced or is diligently prosecuting an enforcement action to remedy the violations alleged in this complaint. Neither the State of Texas nor EPA is engaged in a removal action under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), a remedial investigation under CERCLA, or has obtained a court order or issued an administrative order under CERCLA or RCRA to address the violations alleged in this complaint.

9. Venue is proper in the Western District of Texas because the actions upon which these claims are based occurred in Atascosa County, Texas, and the property that is the subject of this action is situated in Atascosa County. *See* 28 U.S.C. § 1391(b)(2). Further, the alleged RCRA endangerment is located in Atascosa County, *see* 42 U.S.C. § 6972(a)(2).

10. As required under RCRA, a copy of this complaint is being served on the following:

(1) Mr. Monty Wilkinson, Acting Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C., 20530-0001; and (2) Ms. Jane Nishida, Acting Administrator, U.S. Environmental Protection Agency, Mail Code 1101A, 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

### **PARTIES**

11. Plaintiff A.M. Peeler Ranch, LLC is a Texas limited liability company, organized and existing under the laws of Texas. Plaintiff owns a divided interest in 21,222.00 acres of a larger working cattle ranch, known as the “Peeler Ranch,” which is located between Jourdanton and Tilden at 6000 FM 3387, near the community of Christine, in southern Atascosa County, Texas. SMECI’s Plant is located in a tract SMECI owns set within the Peeler Ranch boundary, essentially in the central quadrant. The Plant is surrounded on all sides by acreage partially owned by A.M. Peeler Ranch, LLC.

12. Defendant SMECI is a domestic corporation created on February 17, 1977, under the Rural Electric Cooperative Act of the State of Texas, for the purpose of owning and operating a 400-Megawatt, lignite-fired steam generating power plant and associated mining facilities. SMECI currently furnishes electricity exclusively to the South Texas Electric Cooperative, Inc., through a purchase power agreement. SMECI can be served through its registered agent, Derrick L. Brummett, 6200 FM 3387, Christine, Texas 78012.

## **LEGAL BACKGROUND**

### ***The Resource Conservation and Recovery Act***

13. RCRA is the principal federal statute governing the handling, storage, treatment, transportation, and disposal of solid and hazardous waste. *See Meghrig v. KFC Western, Inc.*, 516 U.S. 479, 483 (1996). In enacting RCRA, Congress recognized that “disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment.” 42 U.S.C. § 6901(b)(2).

14. RCRA defines “solid waste” to mean, *inter alia*, “any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.” *Id.* § 6903(27).

15. RCRA entitles a citizen to bring suit against “any person . . . who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.” *Id.* § 6972(a)(1)(B); *see also Cox v. City of Dallas*, 256 F.3d 281, 292-93 (5th Cir. 2001) (setting forth the test for an imminent and substantial endangerment claim)).

16. RCRA’s citizen suit provision authorizes injunctive relief based on both past and present conduct. 42 U.S.C. § 6972(a)(1)(B); *see also Cox*, 256 F.3d at 298; *Tanglewood E. Homeowners v. Charles-Thomas, Inc.*, 849 F.2d 1568, 1576 (5th Cir. 1988).

17. “A private citizen suing under § 6972(a)(1)(B) [may] seek a mandatory injunction, *i.e.*, one that orders a responsible party to “take action” by attending to the cleanup and proper

disposal of toxic waste, or a prohibitory injunction, *i.e.*, one that “restrains” a responsible party from further violating RCRA.” *Meghrig*, 516 U.S. at 484-85.

## **FACTS**

### ***The Peeler Ranch***

18. The Peeler Ranch has been primarily a working cattle ranch and producing beef for market for over one-hundred years. Alonzo M. Peeler, Jr. (grandson of Ranch founders Alonzo M. Peeler, Sr., and Guinetta Andrews Peeler) and Barbara Gene Peeler owned and managed the Peeler Ranch for the past sixty-four years and transferred certain portions of the ranch to Plaintiff A.M. Peeler Ranch, LLC, along with their children.

19. Typical wildlife on the Peeler Ranch include whitetail deer, wild turkey, rabbits, hawks, songbirds, duck, dove, quail, wild hogs, javelina, alligators, and bass. The Ranch has a Level III, Managed Lands Deer Permit issued through the Texas Parks and Wildlife Department.

20. The Ranch vegetation consists of mesquite, acacia, and prickly pear cactus mixed with grasses and larger trees occurring along streams.

21. The Peeler Ranch is located in the Atascosa sub basin, and surface runoff ultimately drains to the Atascosa River and then to the Nueces River. The creeks on the Peeler Ranch include Macho Creek, Souse Creek, Caballos Creek, and Turkey Creek, which drain to La Parita Creek and subsequently to the Atascosa River and then the Nueces River. The creeks on the Peeler Ranch are intermittent, with seasonal flow supported by groundwater.

22. The Peeler Ranch relies on groundwater wells for all of the water it uses for cattle, pasturelands, and human consumption.

23. The Peelers also use the Ranch for their own recreation, hosting their family and the community for gatherings at the Ranch headquarters. Five generations of Peelers have learned to fish, hunt, and raise cattle on the Ranch.

***Impact of the Plant on the Peeler Ranch***

24. The San Miguel Power Plant is a roughly 400-megawatt power plant located 6 miles south of Christine, Texas, on a tract of approximately 356 acres surrounded on all sides by the Peeler Ranch. Construction on the Plant began in 1977, and it has been in continuous commercial operation from January 1982 to present day.

25. The Plant burns lignite, a form of coal, to generate electricity. The Plant is a mine-mouth plant, meaning that the Plant is located in close proximity to the mine that produces the lignite burned in the Plant.

26. The Plant generates millions of tons of coal ash per year as a byproduct of burning coal and generates three primary coal ash waste streams: fly ash, bottom ash, and flue gas desulfurization (“FGD” or “scrubber”) wastes. Coal contains trace metals and other elements that, after combustion, are present in higher concentrations in the ash than in the source coal. *See* 75 Fed. Reg. 35,128, 35,138 (June 21, 2010).

27. Coal ash contains a slew of pollutants that can cause severe human illnesses, including birth defects, development delays, and cancer, and can damage and kill plants and wildlife. The pollutants in coal ash include arsenic, lead, mercury, and selenium. When water is in contact with coal ash, the trace metals and other chemicals in the ash can leach into the water and then contaminate groundwater, surface water, and surrounding soils.

28. At the Plant, fly ash produced by combustion of lignite in the boiler is collected in a precipitator and transported to a holding silo. Some of this ash is blended with collected scrubber

slurry to make a product that can be hauled. It is stored at the Plant site in an open heap called the “Ash Pile” until it is trucked to nearby locations where SMECI has mined lignite for disposal. The Plant’s bottom ash, also produced by combustion of lignite in the boiler, is transported to dewatering bins where the ash is dewatered before similar transport to the Mine for disposal.

29. The Plant retains wastewater in several surface impoundments referred to as “ponds.” Wastewater stored in the Ash Ponds provides suction for the Plant’s continuous conveying pumps. As the boiler’s bottom ash is crushed in clinkers, a jet propulsion pump pulls the bottom ash to dewatering bins. The water used for this transport then flows back out to the Ash Ponds, where coal ash suspended in the water is allowed to settle to the pond bottom for subsequent removal. The Plant’s permits do not allow discharges of wastewater from the Ash Ponds.

30. The Equalization Pond holds sewage wastewater and scrubber slurry from Plant upsets caused by operational or mechanical issues. The Plant’s permits do not allow discharges of wastewater from the Equalization Pond.

31. The Plant’s Lignite Yard Retention Pond contains stormwater runoff contaminated with coal ash constituents from the Ash Landfill and the Lignite Pile on the Plant site. The wastewater that collects in the Lignite Yard Retention Pond is discharged through Outfall 001, pursuant to SMECI’s Texas Pollutant Discharge Elimination System (“TPDES”) permit.

32. Under SMECI’s TPDES permit, wastewater in the Ash Ponds stored in the Ash Ponds and Equalization Pond may not be discharged from the Plant site, nor may it be routed to the Lignite Yard Retention Pond, which has a permitted outfall. The Plant routes wastewater in the Ash Ponds into the Equalization Pond and vice versa in an effort to prevent overflow.

33. The Ash Ponds and Equalization Pond are roughly forty years old and are little more than giant holes in the ground. The only thing separating the toxic coal ash in these ponds

from the underlying groundwater is the soil at the bottom of the ponds, which routinely has been disturbed by the diggers that dredge the coal ash out of the ponds for disposal in the Mine. Until very recently, none of these impoundments had the double liners, which include a synthetic liner, that the EPA has found is an effective system for preventing coal ash contamination of groundwater.

34. Despite the fact that the Texas Commission on Environmental Quality (“TCEQ”) has not granted a discharge permit for the Ash Ponds or Equalization Pond, the coal ash ponds at the Plant developed discrete and specific seeps, resulting in the addition of pollutants to navigable waters from a point source.

35. The seeps have contaminated the groundwater and surface water surrounding the Plant. The extensive groundwater plume in multiple aquifer units, which follows the surface creek system and is mappable and discrete, has a direct hydrological connection to waters of the United States, namely the Atascosa and Nueces Rivers.

36. Testing required by the 2015 Coal Combustion Residuals Disposal Rule (“CCR Rule”) reveals significant contamination of the groundwater around the Plant by unsafe levels of constituents linked to result of coal ash contamination, including: arsenic, beryllium, boron, cobalt, mercury, radium, selenium, sulfate, and thallium.<sup>1</sup>

37. In addition to the discrete and specific seeps that have discharged pollutants from the Ash Ponds and Equalization Pond to navigable waters, the seeps, direct discharges to surface waters, overflows (when sufficient freeboard has not been maintained), and leaking through the

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<sup>1</sup> AECOM 2018 Annual Groundwater Monitoring Report § 257.90 for the Equalization Pond, Ash Pond, and Ash Pile at the San Miguel Plant, Revision 1, available at <http://res.cloudinary.com/govimg/image/upload/v1552594142/5c702bd70d625c03864cdc9c/2018AnnualGroundwaterMonitoringReport.pdf> (last visited Apr. 23, 2020).

base of the impoundments has resulted in chemical impact from coal ash constituents to the groundwater, surface water, and soil outside the Plant boundary.

38. Site investigation has identified areas of contamination originating from the power generating areas, that include salts, boron, and metals, including antimony, arsenic, barium, cadmium, cobalt, lead, lithium, molybdenum and selenium.

39. These contaminants were transported onto the Peeler Ranch either by seepages out of the Ash Ponds and Equalization Pond within the Plant boundary, by groundwater seepage out of the Plant boundary onto the Peeler Ranch, or by overflow and unauthorized discharges from the Plant ponds.

40. The concentrations of boron in the shallow groundwater underlying the Plant are more than ten times that of background shallow groundwater unaffected by power generating operations. This contaminated shallow groundwater seeps onto the Peeler Ranch, where measured concentrations of boron and other metals are now as much as four times the groundwater baseline concentrations. Elevated concentrations of coal ash constituents measured in shallow groundwater under and near the Plant are consistent with concentrations measured in samples collected from the Ash Ponds and Equalization Pond and the effects of oxidation of sulfide minerals that are likely present in the lignite

41. The Plant's activities have contaminated the soil, as well as water, on the Peeler Ranch. The concentrations of coal ash constituents in the Peeler Ranch's surface soils adjacent to the Plant are more than four times higher than those measured in background soils unaffected by mining operations. They also exceed thresholds that cause stress to surface vegetation, notably the grasses critical to the Peeler Ranch operations, including cattle grazing. Stress to surface vegetation and precipitated salt crystals are visible to the naked eye downgradient of the seeping Ash Ponds

and Equalization Pond. Vegetation stress is also readily apparent in areas of the Ranch over which SMECI previously has discharged contaminated wastewater without authorization.

42. Ecological impacts from coal ash constituents released from the Ash Ponds, Equalization Pond, and Ash Landfill are visually apparent as obvious soil degradation and significant vegetation loss, including on the Northeast, East, and Southeast side of the Plant. Ongoing site investigation confirms the impact of coal ash contamination on Peeler Ranch acreage extending from the Northeast side of the plant up through the La Parita creek system, the East side of the plant, and the South and Southeast side of the Plant following regional groundwater flow.

43. A.M. Peeler Ranch sent SMECI notice of existing violations in 2018. SMECI took certain remedial actions, but its efforts fall far short of addressing the problem. Coal ash contamination in the groundwater, surface water, and soil surrounding the Plant presents an imminent and substantial endangerment to the environment that extends for many thousands of acres on the Peeler Ranch.

44. Coal ash chemical constituents carried into the La Parita creek system may reach the Atascosa and Nueces Rivers, which would present an imminent and substantial endangerment to human health: these rivers serve as the drinking water sources for cities downstream, including Corpus Christi.

***Impact of the Mine on the Peeler Ranch***

45. SMECI began lignite mining to support the Plant in the early 1980's on the Peeler Ranch. Mining on the Ranch finally ended in January 2004, when the last recoverable lignite on the Ranch was extracted. Approximately 4000 acres of the Peeler Ranch were mined for lignite or disturbed by mining operations.

46. Since 2004, the Plant has been fired exclusively with lignite mined outside the Peeler Ranch. Currently, the Plant is burning coal from the Harrison Arrow S Ranch, which is adjacent to the Peeler Ranch, and other properties extending into northern McMullen County.

47. SMECI has contracted with various Mine operators over the life of the Mine, including: Atascosa Mining Company, The North American Coal Company, Kiewit Mining Group Inc., and North American Construction Group Ltd. SMECI maintains the mine permit and the discharge permits.

48. Site investigation has identified areas on the Peeler Ranch where the Mine caused elevated levels of coal ash chemical constituents, including salts, boron, and metals, including antimony, arsenic, barium, lithium, cadmium, cobalt, lead, molybdenum and selenium.

49. SMECI has introduced these contaminants to the Peeler Ranch by pumping out mine water that accumulated in the ponds and pits in the Mine, by groundwater seepage out of the ponds and pits in the Mine, and by disposing of coal ash or other solid waste on to and adjacent to the Peeler Ranch. SMECI disposed of coal ash and other solid waste on the Peeler Ranch in and near exhausted mine pits, including piling ash over a hundred feet into the air for hundreds of acres.

50. SMECI used the empty mine pits on the Ranch as receptacles to dispose nearly all of the coal ash the Plant generated for decades, along with other solid waste. SMECI covered some of this ash with soil, but massive open piles remain exposed to the elements, including wind and rain. Further, even the ash covered with soil has become infiltrated with mine water, which transports the coal ash chemical constituents away from the immediate disposal area into soils and drainageways that empty into La Parita Creek.

51. The concentrations of salts and boron in the Peeler Ranch's shallow groundwater are more than four times the background concentrations measured in areas unaffected by the Mine operations. This shallow groundwater can seep to the surface where the salts and metals accumulate in the surface soils.

52. Vegetation stress is evident in areas of the Ranch over which SMECI has discharged Mine wastewater. Stress to surface vegetation and precipitated salt crystals are visible to the naked eye downgradient of the seeping Mine ponds and flooded pits.

53. The ash piles in and around the mine pits are open to the elements, so that wind can blow coal ash onto adjacent land and rain can infiltrate the coal ash. Like the impoundments at the Plant, the mine pits are unlined, and certainly do not have the double liner containing a synthetic liner. The fractures in the ground created by the mine process along with precipitation have resulted in infiltration of groundwater and surface water with the ash (and other solid or hazardous waste) disposed in the pits.

54. EPA's risk assessments for the 2015 CCR Rule demonstrate that the safest method for disposing of coal ash is in lined, covered landfills. Yet the Plant's coal ash is: (1) temporarily disposed of in an uncovered Ash Pile and surface impoundments that lack a composite liner (with no synthetic liner), and (2) transported daily in the open beds of trucks. Ultimately, the coal ash is placed in open mine pits that, like the CCR units at the Plant, have no cover and lack a composite liner containing a synthetic liner. Pollutants present in the coal ash disposed of, or stored, in the Mine and the Plant site are leaking into groundwater and surface water and contaminating the surrounding air and soil. This is true both for the mine pits that are currently open and for the pits that have been "reclaimed" by placing soil on top and entombing the ash, which is infiltrated with groundwater.

55. The air, soils, groundwater, and surface waters in, around, and downstream of the Mine and the Plant are threatened with contamination by the following chemicals: aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, chlorides, chromium, cobalt, copper, fluorine, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, strontium, sulfates, thallium, vanadium, and zinc. At sufficient exposure levels, each of these chemicals can cause serious human diseases, ranging from birth defects to cancer. In addition, several of these chemicals, such as selenium, are acutely toxic to aquatic life, particularly fish.

56. The pollutants listed above, which are present in and have leached out of coal ash that have been and are handled, stored, treated, transported to, and disposed of at the Mine and the Plant, may present an imminent and substantial endangerment to health and the environment in, around, and downstream of the Mine and the Plant through at least five exposure pathways: (1) direct contact with coal ash; (2) airborne coal ash; (3) soil contamination (4) groundwater contamination; and (5) surface water contamination.

***Plaintiff First Provided Defendant RCRA Notice Over 2 Years Ago***

57. In its first RCRA Notice Letter to SMECI, dated August 1, 2018, Plaintiff identified numerous violations by SMECI, including of the RCRA's prohibition on open dumping (including reporting and documentation violations, failure to adopt measures to minimize CCR airborne dust, and various monitoring violations). Plaintiff also detailed SMECI's practices that threaten imminent and substantial endangerment from coal ash and other solid or hazardous waste.

58. Plaintiff then sent SMECI a Second RCRA Notice Letter on December 18, 2018. In this supplemental Notice, Plaintiff acknowledged SMECI's representations that SMECI had addressed several violations of the CCR Rule that also were violations of the RCRA's prohibition

on open dumping, particularly with regard to documentation and monitoring. The supplemental Notice also provided: (1) additional information regarding SMECI's contribution to an imminent and substantial endangerment condition, including the location of the leaks and identification of the pollutants at issue; and (2) detailed examples of corrective action SMECI could take to cease adding more contamination to the Peeler Ranch and to clean up the existing contamination.

59. SMECI still has not addressed most of the issues raised in the two Notice Letters.

### **CAUSE OF ACTION**

#### **Count 1: SMECI's Violation of the RCRA Imminent and Substantial Endangerment Provision at the Plant and the Mine.**

60. A.M. Peeler Ranch, LLC re-alleges and incorporates the allegations of all the preceding paragraphs of this Complaint, as well as all exhibits, as if fully set forth herein.

61. Coal ash and wastewater are solid wastes under RCRA, 42 U.S.C. § 6903(27).

62. SMECI is a past and present owner and operator of the Plant and a past and present owner of the Mine, each of which are locations where coal ash and wastewater and other solid waste is handled, stored, treated, and transported.

63. SMECI has contributed to, and is contributing to, the past and present handling, storage, treatment, transportation, and disposal of coal ash and wastewater at the Plant and the Mine.

64. Contaminants from coal ash and wastewater and other solid waste that were, and are, handled, stored, treated, transported, and disposed of at the Plant and the Mine threaten an imminent and substantial endangerment to health and the environment, in violation of 42 U.S.C. § 6972(a)(1)(B).

65. Unless SMECI eliminates the imminent and substantial endangerment to health and the environment from its actions at the Plant and the Mine, A.M. Peeler Ranch, LLC will suffer irreparable harm.

66. A.M. Peeler Ranch, LLC has no adequate remedy at law; therefore, equitable relief is warranted.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court:

- (a) Declare that SMECI's past and present handling, storage, treatment, transportation and/or disposal of coal combustion residuals and wastewater at the San Miguel Power Plant may present an imminent and substantial endangerment to health or the environment in violation of RCRA, 42 U.S.C. § 6972(a)(1)(B);
- (b) Declare that SMECI's past and present handling, storage, treatment, transportation and/or disposal of coal combustion residuals and wastewater and other solid waste in the San Miguel Lignite Mine may present an imminent and substantial endangerment to health or the environment in violation of RCRA, 42 U.S.C. § 6972(a)(1)(B);
- (c) Enjoin SMECI's continued storage and disposal of coal combustion residuals in the surface impoundments and landfill at the San Miguel Power Plant;
- (d) Order SMECI to (1) close the surface impoundments by de-watering the impoundments without further contaminating the Peeler Ranch, safely disposing of the liquids after treatment offsite the Peeler Ranch, excavating all of the coal ash, and disposing of the coal ash in a lined offsite landfill or recycling the ash, and (2) close the landfill or retrofit it with a composite liner that includes a synthetic liner;

(e) Order SMECI to close the end pits in the San Miguel Lignite Mine known as Pit 8 and Pit 10 by: (1) de-watering the pits without further contaminating the Peeler Ranch, (2) safely disposing of the liquids after treatment offsite the Peeler Ranch, (3) excavating the coal ash disposed in, on, and adjacent to the Peeler Ranch, and (4) disposing of the coal ash in a lined offsite landfill or recycling the ash;

(f) Order SMECI to take all actions necessary to restore the Peeler Ranch and remediate the endangerment associated with coal ash pollutants that have migrated into the surrounding groundwater, surface water, and soils from the Plant and the Mine;

(g) Award Plaintiff its litigation costs and reasonable attorneys' fees incurred in prosecuting this action, pursuant to RCRA, 42 U.S.C. 6972(e); and

(h) Grant such other relief as the Court may deem just and proper.

Dated: March 5, 2021

Respectfully submitted,

**GUERRERO & WHITTLE, PLLC**

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